

**UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

LUIS R. RIOS and LIOVIGILDA R. RIOS,) CIVIL NO. 3:05-CV-00146 RP-TJS
)
Plaintiffs,)
)
vs.) **REPORT AND RECOMMENDATION**
)
STATE FARM FIRE AND CASUALTY)
COMPANY,)
)
Defendant.)

Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned Chief United States Magistrate Judge recommends that Chief United States District Judge Robert W. Pratt dismiss this case with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1), in light of the Agreed Dismissal Order presented to the undersigned Chief United States Magistrate Judge by counsel for all parties at a status conference held on January 28, 2008, at the United States Courthouse, Davenport, Iowa.

The parties have agreed that in light of the fact that the Agreed Dismissal Order, which is attached to this Report and Recommendation, was jointly presented to the Court pursuant to agreement by the parties, that no objection time to this Report and Recommendation need be provided in this Report and Recommendation.

Therefore, the undersigned Chief United States Magistrate Judge respectfully recommends to Chief United States District Judge Robert W. Pratt that an order be filed dismissing this case with prejudice.

January 29, 2008

Respectfully submitted,


**THOMAS J. SHIELDS
CHIEF U.S. MAGISTRATE JUDGE**

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

LUIS R. RIOS, and LIOVIGILDA R. RIOS,
et al.,

Plaintiffs,

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3:05-cv-00146

v.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

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AGREED DISMISSAL ORDER

This cause coming on to be heard on the parties' oral motion to dismiss this action, the Court having been informed of the settlement between Plaintiffs Luis R. Rios, Liovigilda R. Rios, Steven D. Tynan, and Lori J. Tynan ("Plaintiffs") and State Farm Fire and Casualty Company ("State Farm") by which the individual claims of Plaintiffs have been fully and finally resolved, and the Court having been otherwise duly advised in the premises, IT IS HEREBY ORDERED THAT:

1. This action was filed as a proposed class action. No findings have been made that this action could proceed as a class action, and no class has been certified.
2. This case is dismissed, with prejudice, in accordance with Rule 41 of the Federal Rules of Civil Procedure. No notice to members of the alleged class is necessary because no notice of the proposed class action was ever made to members of the proposed class and no class was ever certified herein.
3. The parties shall bear their costs and attorneys fees in the manner set forth in their Settlement Agreement.

4. This case is finally resolved and closed, and final judgment is hereby entered hereon.

SO ORDERED:
